

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

ERIC LAMBACK,

Debtor.

Chapter 13

Hearing Date: November 15, 2022
Time: 9:30 am

Case No. 22-11664 ELF

**MOTION OF AMOS FINANCIAL LLC
FOR RELIEF FROM THE AUTOMATIC STAY**

Movant, Amos Financial LLC, seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) and requests an Order authorizing Movant to exercise its rights and remedies under state law with regard to the Premises described below pursuant to the Note and Mortgage between Debtor, Eric Lamback, and Movant and in support thereof, avers as follows:

1. Movant is Amos Financial LLC.
2. Debtor, Eric Lamback, is the owner of the premises located at 751 Germantown Pike, Lafayette Hill, PA 19444 and consisting of a lot of ground with improvements (the "Premises").
3. Debtor's executed a Promissory Note secured by a Mortgage. The Promissory Note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the Promissory Note. Creditor is the original mortgagee or beneficiary or the assignee of the Mortgage. A true and redacted copy of the Promissory Note is attached hereto, made a part hereof and marked Exhibit "A".
4. Movant is the holder of a secured claim (the "Claim") against the Debtor by virtue of a Mortgage (the "Mortgage") dated May 12, 2005, and recorded in Montgomery County, Pennsylvania, on May 19, 2005, at Book 11471, Page 0580, A true and redacted copy of the

Mortgage is attached hereto, made a part hereof and marked Exhibit "B".

5. Said Mortgage was assigned to Amos Financial LLC. A redacted copy of the recorded Assignment is attached hereto as Exhibit "C" and incorporated herein by reference.

6. Debtor filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on June 27, 2022.

7. Debtor is currently in default under the Mortgage in that the Debtor has failed to make payments outside of the plan. This loan has fully matured therefore the total balance is now due. Per the court's requirement, a true and correct copy of the Post-Petition Payment History Form 4001-1 is attached hereto, made a part hereof and marked as Exhibit "D".

8. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

WHEREFORE, Movant, Amos Financial LLC, respectfully requests that this Court enter an Order, substantially in the form of the attached Proposed Order, lifting the Automatic Stay imposed by Section 362 of the Bankruptcy Code and allowing Movant to immediately exercise its rights and remedies against the Premises being located 751 Germantown Pike, Lafayette Hill, PA 19444, under state law, including, without limitation, foreclosure and execution on the Premises in accordance with Bankruptcy Rule 4001(a)(3), and granting such other and further relief as the Court deems just.

Date: October 19, 2022

By: /s/ Tammy L. Terrell Benoza
Tammy L. Terrell Benoza, Esq.